ORDINANCE NO. 2004- 045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 26-51, PARAGRAPH (b), OF CHAPTER 26, ARTICLE II, DIVISION 3, PALM BEACH COUNTY CODE (CODIFYING ORDINANCE NO. 83-23, AS AMENDED); AMENDING THE BOUNDARIES OF THE FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT); UPDATING LANGUAGE RELATING TO THE PROCESS FOR MUNICIPALITIES TO OPT INTO THE FIRE/RESCUE MSTU; UPDATING THE LIST OF MUNICIPALITIES IN THE FIRE/RESCUE MSTU; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 26, Article II, Division 3, of the Palm Beach County Code, in accordance with the authority set forth in section 125.01(1)(q) and (r), Florida Statutes, established municipal services taxing units (MSTUs) to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement, and other services necessary and incidental to the purpose for which the MSTUs were created; and

WHEREAS, the "Fire/Rescue MSTU" encompasses unincorporated areas of Palm Beach County and areas within the municipal boundaries of municipalities that have opted to join the MSTU pursuant to section 125.01(1)(q), Florida Statutes; and

WHEREAS, the Board of County Commissioners desires to amend the existing boundaries of the Fire/Rescue MSTU to include certain properties, including the Pratt Whitney Complex and certain surrounding properties that were formerly part of said Complex, all of which are located in unincorporated Palm Beach County and not currently within a fire-rescue MSTU; and

WHEREAS, the Board of County Commissioners furthermore desires to update language relating to the statutory process for municipalities to opt into the Fire/Rescue MSTU and to update the list of municipalities that are currently in the Fire/Rescue MSTU.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Section 26-51, paragraph (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code is hereby replaced in its entirety by the following:

"(b) The boundaries of the Fire/Rescue MSTU shall be as follows:

Beginning at the water's edge of the Atlantic Ocean and the Southern line of Palm Beach County; thence

(1) Westerly along the South line of Palm Beach County to the Southwest corner of Section 30, Township 47 South, Range 41 East; thence

(2) Northerly along the West line of said section 30 and the West line of Section 19, Township 47 South, Range 41 East to the intersection with the Easterly right-of-way line of South Florida Water Management District Levee L-40; thence

(3) Northeasterly and Northerly along the Eastern right-of-way of said Levee L-40 to the center line of State Road 80; thence

(4) Westerly along the center line of State Road 80 to the intersection of the center line of US Highway 98; thence

(5) Northwesterly along the center line of US Highway 98 to the West line of Range 40 East; thence

(6) Northerly along the West line of Range 40 East to the Northeast corner of Section 01, Township 43 South, Range 39 East; thence

(7) Easterly along the South line of Section 36, Township 42 South, Range 39 East to the Southeast corner of said Section 36, Township 42 South, Range 39 East; thence

(8) Northerly along the East line of Range 39 to the East quarter corner of Section 13, Township 42 South, Range 39 East; thence

(9) Westerly through the centers of Section 13, 14 and 15 in Township 42 South, Range 39 East to the West line of said section 15; thence

(10) Southerly along the East line of Section 16, Township 42 South, Range 39 East to the Northeasterly right-of-way line of Levee L-8; thence

(11) Northwesterly along said Northeasterly right-of-way line to the intersection with the West line of Section 31, Township 41 South, Range 39 East; thence

(12) Northerly along the West line of said Range 39 East to the North line of Palm Beach County; thence

(13) Easterly along said North line to the water's edge of the Atlantic Ocean; thence

(14) Southerly along said water's edge to the Point of Beginning;

Less therefrom all incorporated areas of Palm Beach County except those municipalities, and municipal boundaries thereof, which have opted, pursuant to the provisions of Section 125.01, Florida Statutes, in effect at such time, to become a part of the Fire/Rescue MSTU and been accepted, namely, the Town of Glen Ridge, the Town of Lake Clarke Shores, the Town of Cloud Lake, the Town of Juno Beach, the Village of Wellington, the Town of Haverhill, and those hereinafter exercising such right."

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other

appropriate word.

SECTION 5. CAPTIONS:

The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 19 day of October, 2004.

DOROTHY H. WILKEN, CLERK

By: Linda C. Hackman
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Sharon Burrows
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 25 day of October, 2004.

H:\Pratt Whitney & Related Properties\MSTU Boundary Change Ordinance.doc

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on October 19, 2004.
DATED at West Palm Beach, FL on 11/9/04.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.